

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Douglas J. Horn and Cindy Harp-Horn,

Plaintiff(s),

**SCHEDULING ORDER**

v.

15 –CV–701G

Medical Marijuana, Inc. et al.,

Defendant(s).

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This case has been referred to this Court under 28 U.S.C. § 636(b).

✓ The Court held a scheduling conference on **April 13, 2016**. The Court now orders the following pretrial deadlines in accordance with Federal Civil Rule 16(b) and Local Rule 16.

☐ Pursuant to the Court's Order of \_\_\_\_\_ (Dkt. No. \_\_\_\_\_), this Amended Scheduling Order supersedes all prior scheduling orders to the extent that any prior orders are in conflict.

**MEDIATION / ADR**

On or before **May 4, 2016**, the parties will file any motions to opt out of mediation.

On or before **May 18, 2016**, the parties will file a stipulation confirming that they have selected a mediator; and that they have confirmed that the mediator does not have a conflict with any parties in the case. If the parties miss this deadline then the Court will appoint a mediator for them.

On or before **June 15, 2016**, the parties will hold their first mediation session.

The referral to mediation will expire upon the setting of a trial date. The Court cautions the parties that mediation is a parallel process; it will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial.

### **PLEADINGS AND DISCOVERY**

On or before **October 21, 2016**, the parties will file any motions to join other parties or to amend the pleadings.

On or before **April 14, 2017**, plaintiff(s) will identify any experts and provide written reports as required under Rule 26(a)(2).

On or before **May 15, 2017**, defendant(s) will identify any experts and provide written reports as required under Rule 26(a)(2).

On or before **July 14, 2017**, all expert discovery will conclude.

On or before **September 15, 2017**, all discovery for the case will conclude. The parties must file any motions to compel at least 30 days before this date.

The parties are advised of the continuing obligation, under Rule 26(e), to supplement disclosure as needed.

### DISPOSITIVE MOTIONS

On or before **November 17, 2017**, the parties will file any dispositive motions.

- ☐ The referral for this case currently includes dispositive motions, and any dispositive motions will be made to the undersigned for a Report and Recommendation.
- ✓ The referral for this case currently DOES NOT include dispositive motions, and any dispositive motions will be made directly to the District Judge.

### TRIAL READINESS

- ✓ If no party has filed dispositive motions by the above deadline then the parties must contact the District Judge immediately for a status conference to set a trial date.
- ☐ If no party has filed dispositive motions by the above deadline then this Court will hold a status conference on \_\_\_\_\_ to confirm that the case is ready for trial.

In accordance with Rule 16(b)(4), this Scheduling Order may be modified only for good cause and with the Court's consent. Any request for modifications must come by a formally filed motion, preferably a joint motion when possible. The Court cautions the parties that failure to follow a scheduling order can lead to sanctions under Rule 16(f).

SO ORDERED.

/s/ Hugh B. Scott  
HONORABLE HUGH B. SCOTT  
UNITED STATES MAGISTRATE JUDGE

DATED: April 14, 2016